

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7100 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

R M JOSHI

Versus

SECRETARY

Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/11/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties and going through the contents of annexure 'D' filed along with the reply to the special civil application I am satisfied that the Board has not acted arbitrarily in granting the benefit of higher pay scale to the petitioner from 1-1-1986.

2. Consistently the service record of the petitioner

is adverse from 1975-76 till 1980-81. For 1975-76 adverse remarks were communicated but even he has not challenged those adverse remarks and same is the condition for the years 1976-77, 1977-78, 1978-79 and 1980-81. In 1982 again the adverse remarks were there and he filed a representation but the same has been dismissed.

3. In view of these adversities in the service record of the petitioner, the decision which has been taken by the Board cannot be said to be arbitrary and to which no exception can be taken by this court under Article 226 of the Constitution.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

zgs/-